

REMARKS

As a preliminary matter, Applicants have amended Figs. 1(a), 1(b), and 13 to provide acceptable margins, and request withdrawal of the objection on this basis. Claim 3 has been amended as suggested by the Examiner to read: "...lower than that of the material forming said magnetic film."

Claims 1-5 and 11-12 stand rejected under 35 U.S.C. 112, first paragraph as containing subject matter that is a negative limitation. In response, Applicants have amended claims 1-4 to call for a magnetic memory disc medium, and amended claims 11-12 to call for a magnetic disc apparatus. Accordingly, withdrawal of the rejection is respectfully requested.

Claims 1 and 3 stand rejected under 35 U.S.C. 102(a) as being anticipated by Koichi (Japanese Publication No. 02-278514). In response, Applicants have amended claim 1 to incorporate the subject matter of claim 5 and indicate that a level difference between an upper surface of the magnetic film on the land and the upper surface of a non-magnetic film filling the groove is 5 nm or less. Koichi discloses a magnetic layer 3 having a protective layer 4 formed thereon. A lubricant 5, 8 is applied on the protective layer 4 to fill the grooves 7, which have a depth of 0.3-1.0 um and are formed on a layer 6. Since the layer 6 has a height greater than that of the depth of the grooves (0.3-1.0 um >> 5 nm), the uppermost surface of the lubricant 8 filling the grooves 7 and the magnetic layer 3 cannot be 5 nm or less. Therefore, the rejection as applied to amended claim 1 is considered traversed. Claim 3

is considered allowable based on its chain of dependency to independent claim 1. For these reasons, Applicants request withdrawal of the rejection.

Claims 1-3, 5, and 11-12 stand rejected under 35 U.S.C. 102(b) as being anticipated by Ohta et al. (U.S. Patent No. 5,313,357). In response, Applicants respectfully traverse the rejection because the cited reference does not disclose or suggest a level difference between an upper surface of the magnetic film on the land and an upper surface of a non-magnetic film filling the groove that is 5 nm or less, as now recited in amended claims 1 and 11.

The Ohta reference discloses in FIG. 4 a substrate 1 having a magneto film 2 having a thickness of 60-70 nm that is formed on a land of the substrate 1. As acknowledged by the Examiner, a lubricant 3 fills the grooves 16 of the substrate 1 and has an upper surface at the bottom surface of the magneto film 2 on the land of the substrate 1. Since the magneto film has a thickness of 60-70 nm, the Ohta reference does not disclose or suggest a level difference between an upper surface of the magnetic film on the land and an upper surface of a non-magnetic film (i.e., the lubricant 3) filling the groove that is 5 nm or less, as recited in amended claims 1 and 11. Therefore, the rejection is considered traversed. Claims 2-3, dependent from claim 1, and claim 12, dependent from claim 11, are considered allowable based on their chain of dependency. For these reasons, withdrawal of the rejection is respectfully requested.

Claim 11 stands rejected under 35 U.S.C. 103(a) as being obvious over Koichi, and further in view of Ohta et al. Applicants traverse the rejection for the reasons cited above. Namely, the cited references, taken alone or in combination, do not disclose a level difference between an upper surface of the magnetic film on the land and an upper surface of a non-magnetic film filling the groove that is 5 nm or less, as now recited in amended claim 11. Accordingly, withdrawal of the rejection is respectfully requested.

New claim 13 is substantially claims 1 and 4 combined as originally filed. New claims 14-16 are substantially claims 2-3 and 5 as originally filed. Applicants respectfully request allowance of the claims because the cited references do not disclose or suggest, among other things, a magnetic memory disc medium having a non-magnetic film that includes at least Te as acknowledged by the Examiner in Paper No. 6.

Applicants submit that this Application is in condition for allowance, which is respectfully requested. The Examiner is invited to contact the undersigned attorney if an interview would expedite the prosecution.

Respectfully submitted,

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